REMARKS

Claims 1 – 23 and 25 – 48 are pending in the subject application. Claims 1 – 46 have been examined and stand rejected. By the above amendments, claim 24 has been canceled, claims 1, 2, and 21 have been amended, and new claims 47 and 48 have been added. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

Applicant has amended the Abstract to eliminate the informality noted by the Examiner. Accordingly, the Examiner is respectfully requested to withdraw the objection to the Abstract.

Claims 1 – 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,257,273 to Knowd (disclosed by Applicant in an IDS) in view of U.S. Patent No. 4,648,572 to Sokol. Applicant respectfully traverses this rejection for the following reasons.

Claim 1 sets forth an SPL meter that is temporarily mountable in a motor vehicle, comprising: an SPL meter including a housing, a pressure sensor, a mode selector input device, and a display, wherein the SPL meter is configured to measure sound pressure levels within a motor vehicle; and a temporary mounting mechanism coupled to the housing of the SPL meter, wherein the temporary mounting mechanism affixes the SPL meter to a surface within the motor vehicle, such that the SPL meter is selectively removable from the motor vehicle. Independent method claim 33 contains comparable limitations.

Contrary to the Examiner's assertion, there is no suggestion in Knowd that the disclosed SPL meter is configured to measure sound pressure levels within a motor vehicle. Rather, Knowd explains at column 1, lines 1 – 14, that the SPL meter can be used by law enforcement agencies to measure automotive and truck noise levels. This passage clearly refers to environmental (road) noise caused by traffic, which is external to such vehicles. Naturally, Knowd's SPL meter would measure sound pressure levels in whatever environment it is placed; however, it is not the case that Knowd's SPL meter is particularly configured or tailored to measure sound pressure levels within a motor vehicle. There is nothing about the SPL meter shown in Knowd's figures that makes it well-suited to measuring sound pressure levels within a

motor vehicle, and Knowd's disclosure suggests operation of the SPL meter only to monitor external vehicular noise levels.

Further, Applicant respectfully disagrees that it would have been obvious to modify Knowd to include the radar detector bracket disclosed by Sokol. Sokol discloses a bracket for attaching "a radar detector or like device," such as "stereo components or cassette players." There is no suggestion in Sokol to couple a temporary mounting mechanism to the housing of an SPL meter, as required by claims 1 and 33. The Examiner appears to assume that there is no appreciable difference between a radar detector and an SPL meter. This assumption is incorrect. Radar detectors are inherently designed to be mounted and used in automotive vehicles; thus, it is not surprising that one would couple a mounting mechanism to a radar detector. In contrast, as explained at length in Applicant's specification, there are no known SPL meters that are specifically configured to be mounted in motor vehicles. Historically, compact, portable SPL meters either were not available (as Knowd points out) or were not configured for ease of operation and mounting in a motor vehicle (as is the case with Knowd's SPL meter). Thus, there is no basis for concluding that it would have been obvious to couple a temporary mounting mechanism to an SPL meter simply because mounting mechanisms existed for radar detectors.

Knowd's SPL meter is an excellent example of an SPL meter that is <u>not</u> well-suited to be coupled to a temporary mounting mechanism or mounted in a motor vehicle. Referring to Fig. 1 of Knowd, in order for a person seated in the vehicle to conveniently view the display and operate the controls of Knowd's SPL meter, it would be necessary to couple a mounting mechanism to the end surface from which the microphone cable extends. It certainly would not have been obvious to couple Sokol's radar detector bracket to this end surface, since the surface is plainly too small to receive Sokol's support plate 22 and, in any event, the cable connection would interfere in any mechanical coupling on this surface. Coupling Sokol's radar detector bracket to any other surface of Knowd's SPL meter would prevent a passenger in the vehicle from being able to view the display and controls. In short, there is no obvious way to couple a temporary mounting mechanism to Knowd's SPL meter to permit Knowd's SPL meter to be affixed to a surface within a motor vehicle. This is not surprising, since prior art SPL meters

such as Knowd's simply are not configured to be mounted in motor vehicles. Moreover, it would require impermissible hindsight gained from Applicant's own disclosure to suggest that Knowd's SPL meter could somehow be reconfigured to more readily receive Sokol's radar detector bracket. In summary, the SPL meter shown in Fig. 1 of Knowd does not lend itself to being mounted in a motor vehicle or being coupled to a mounting mechanism; thus, it would not have been obvious to incorporate Sokol's radar detector into Knowd's SPL meter to permit mounting within a motor vehicle.

Furthermore, the subject matter of many of Applicant's dependent claims would not have been obvious from any combination of Knowd and Sokol. Amended claim 2 (2/1) and new claim 47 (47/33) require the pressure sensor to be contained within the housing of the SPL meter, where the housing includes top, bottom, side, front and rear surfaces. Knowd's microphone is quite plainly exterior to the housing of Knowd's SPL meter. As explained in Applicant's specification, this is an important feature which makes the claimed SPL meter more suitable for mounting in a motor vehicle than prior art SPL meters such as Knowd's.

Amended claim 21 (21/1) requires the housing to include opposing top and bottom surfaces, two opposing side surfaces, a front face and a rear face opposing the front face, wherein the display and the mode selector input device are disposed on the front face. Claim 22 (22/21/1) further requires the front face (which includes the display) to be smaller than the top and bottom faces. New dependent claim 48 (48/33) includes similar limitations. This configuration permits the display and control to be oriented toward the passengers while providing a large surface to couple to the temporary mounting mechanism. In sharp contrast, Knowd's display face is on the largest surface of the SPL meter, in the conventional manner, which makes Knowd's SPL meter awkward and unsuitable for mounting in a motor vehicle.

With regard to claim 4, the claimed diaphragm thicknesses are not disclosed or suggest by Knowd. As explained in Applicant's specification on page 16, these diaphragm thickness are considered unconventional and not suggested by prior art SPL meters such as Knowd.

Claims 6 – 9, 25, and 26 recite particular configurations of the housing (e.g., number and placement of apertures, couplings between the housing an internal pressure sensor, etc.) relating

to an internal pressure sensor. Knowd could not possibly suggest any of these particular configurations, since Knowd does not have an internal pressure sensor (e.g., Knowd does not need holes in the housing for receiving acoustic energy).

Claims 18, 19, and 42 require a particular display configuration involving range and sub-range indicators. There is no suggestion of such indicators in Knowd's disclosure.

Claims 31, 45, and 46 require the SPL meter to store a maximum measured decibel level. There is no mention or suggestion in Knowd of a capability to store measured decibel levels.

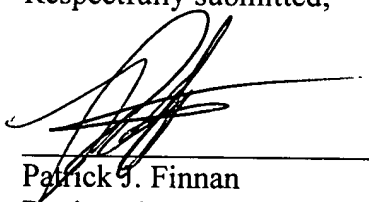
Finally, claim 44 (44/33) sets forth a method of measuring and comparing sound pressure levels in a plurality of motor vehicles, wherein a measured SPL reading is compared to a current, stored maximum SPL reading, and the measured SPL reading replaces the current maximum SPL reading when the measured SPL reading exceeds the current maximum. Again, there is simply no suggestion of such a scheme in Knowd.

For all of the foregoing reasons the subject matter of Applicant's claims would not have been (and could not have been) obvious from any combination of Knowd and Sokol. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

In view of the foregoing, Applicant respectfully requests the Examiner to find the application to be in condition for allowance with claims 1 – 23 and 25 – 48. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Filed concurrently herewith is a Petition (with payment) for an Extension of Time of Two Months (small entity). Also, filed herewith is an excess claim fee in the amount of $25 for payment of one excess claim (two claims were added, but one claim was canceled). Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



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